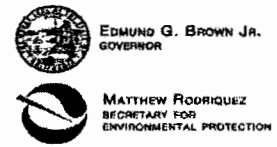


EXHIBIT "C"



## Lahontan Regional Water Quality Control Board

July 18, 2014

[REDACTED]  
[REDACTED]  
[REDACTED]

Via email

Dear [REDACTED], [REDACTED] and [REDACTED]:

I wanted to respond to your mid-June 2014 inquiries regarding application of the Maximum Contaminant Level (MCL) recently adopted by the California Department of Public Health (now known as the Division of Safe Drinking Water or DSDW) and continuation of the whole house replacement water program for the Hinkley Compressor Station Site Cleanup.

On July 1, 2014 the MCL, or drinking water standard, became effective for hexavalent chromium (chrome-6). California is the first state in the nation to establish a MCL specifically for chrome-6, which underscores the state's commitment to protecting drinking water. This new standard is one fifth the current total chromium standard of 50 parts per billion (ppb), which includes both trivalent chromium (chromium-3) and chrome-6. The federal MCL for total chromium is 100 ppb.

Because the MCL for chrome-6 is in effect, the Lahontan Regional Water Quality Control Board (Water Board) can no longer require replacement water for those domestic wells with levels of chrome-6 below 10 ppb. I realize this is frustrating because you believe the replacement water should be continued until the United States Geological Survey (USGS) background study is completed; unfortunately, we have to comply with existing law, and have no authority to continue requiring the current replacement water program.

Our legal counsel has previously explained that our ability to require Pacific Gas & Electric Company (PG&E) to provide replacement water is limited by a 2005 precedential decision issued by the State Water Board entitled "In the Matter of the Petition of Olin Corporation and Standard Fusee, Incorporated, Order WQ 2005-0007" (referred to as the "Olin Order"), which was discussed in depth in our Order R6V-2011-0005A1, requiring the issuance of whole house replacement water. In that Order, the State Water Board determined that for the purposes of determining whether a well is "affected" under Water Code section 13304, allowing the regional board to require the provision of replacement water, a well is only considered "affected" when the discharge causes the water to exceed a drinking water standard. The State Water Board concluded, "Any other approach would require regional water boards to make individual,

AMY L. HORNE PhD, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | [www.waterboards.ca.gov/lahontan](http://www.waterboards.ca.gov/lahontan)

possibly inconsistent public health and toxicological determinations or, in the alternative, to require replacement drinking water whenever there is *any* detection of a contaminant." (Olin Order at p. 6, emphasis added.)

The State Water Board required that, "regional water boards should defer to Office of Environmental Health Hazard Assessment and DSDW in determining safe drinking water levels." This is in contrast to setting cleanup levels, which the State Water Board noted, "are more appropriately within the expertise and professional purview of the water boards." The State Board, therefore, made it clear that the regional boards could not require replacement water for any impairment of water quality. The impairment had to cause an increase in contamination above the drinking water standard before the regional board could require replacement drinking water.

Although you may feel that the drinking water standard for hexavalent chromium is too high, once the DSDW has made its determination, the other state agencies must accept that standard, and do not have the ability to second-guess that decision. Although it is higher than the public health goal (PHG), the MCL is still protective of health. Health & Safety Code §116365(a) requires DSDW to establish the MCL at a level as close to the contaminant's PHG as is technologically and economically feasible, placing primary emphasis on the protection of public health. Moreover, the DSDW performed a series of rigorous analyses that considered, among other things: the occurrence of hexavalent chromium in drinking water sources statewide; the methods, feasibility and costs of detection; and treatment and monitoring technology. The DSDW also considered over 18,000 public comments from public and private stakeholders during the regulatory process, including from public water systems. The chrome-6 MCL will be reviewed again in 2019.

Implementation of this MCL will be a major step in protection of public health, as there are over 128 water systems whose water exceeds the 10 ppb level established in the new requirement. It will, however, also result in increased costs for these communities whose water source contains levels of chrom-6 that currently exceeds that 10 ppb level. In its "Notice of Proposed Rulemaking," DSDW estimated that the cost of compliance for local government could be \$16.5 million annually, \$1.8 million annually for state government, and \$1 million for privately owned water systems. [CAL. DEP'T PUB. HEALTH, Notice of Proposed Rulemaking, Subject: Hexavalent Chromium MCL (DPH-11-005), *supra* n. 11, at 10-11]

Currently, all of the domestic wells within Hinkley contain chrom-6 below the MCL. I believe this new standard poses an opportunity for the Hinkley community to reframe or revise the perceptions about the safety of drinking water in Hinkley because the levels of chrome-6 in current residential wells are much lower (better) than the state's drinking water standard. I am hopeful that the citizens of Hinkley can dispel health concerns about their community, not live in fear, and no longer be stigmatized by the past. Property values will hopefully increase, and reflect this reality, and banks should no longer have any concerns about loaning money to Hinkley citizens based upon concerns about the safety of the levels of chrome-6 in domestic wells.

The setting of the drinking water standard at 10 ppb does not, however, affect the Water Board's authority requiring cleanup. Under current Water Board orders, PG&E must continue to clean up the discharges from the compressor station site. The Water Board has the authority to require clean up to background levels in accordance with State Water Board Policy 92-49 and a new cleanup and abatement order will be updated with specific cleanup requirements and will be considered by the Water Board in 2015. In addition, the USGS background study will continue, and the results of that study will be incorporated into the Water Board's requirements, as necessary.

If you have any questions regarding this letter, please contact me at (530) 542-5412 or Lauri Kemper, Assistant Executive Officer, at (530) 542-5436.

**Original Signed By**

PATTY Z. KOUYOUMDJIAN  
EXECUTIVE OFFICER

Lyris list: PG&E

MLK/dk/T: EO Response-MCL Change Request 7-9-14 corrected version 8-21-14



## **ATTACHMENT "A"**

### **IN REGARDS TO DEVELOPING EMAIL AND MAILING LIST OF GOVERNMENTAL AGENCIES INVOLVED IN THE TASKS OF ARSENIC AND URANIUM DISCOVERY IN THE AQUIFERS, CAUSATION BY PG&E, IN THE TOWN OF HINKLEY, CA 92347**

The People from Hinkley, California, per Signatures Pages, previously transmitted to the Water Board, does not see of how Ryan Camero, California Highway Patrol; Ramirez, City of Barstow Police Department; and Jon Marhoefer, Captain, San Bernardino County Sheriff, Barstow/Trona Station would be involved in the tasks of addressing Arsenic and Uranium in aquifers beneath the town of Hinkley, CA 92347. Those officers are to protect and serve the People of this State and Country, rather than being involved in scientific discovery, thus since they will be acting out of jurisdiction, it will be inappropriate for them to receive scientific information and correspondence. (If the Water Board had anything else in mind, including but not limited to aware the People that those officers will be involved, for any other purposes, it should elaborate to the People of this State and Country).

THEREFORE, The People do not see as appropriate the involvement of those officers and will exclude the following person / agencies from the cc. email list and cc. mailing lists:

Ryan Camero, California Highway Patrol ([rcamero@chp.ca.gov](mailto:rcamero@chp.ca.gov) [rcamara@chp.ca.gov](mailto:rcamara@chp.ca.gov))

Ramirez, City of Barstow Police Department ([aramirez@barstow.ca.org](mailto:aramirez@barstow.ca.org))

Jon Marhoefer, Captain, San Bernardino County Sheriff, Barstow/Trona Station([jmarhoefer@sbcasd.org](mailto:jmarhoefer@sbcasd.org))

### **IN REGARDS TO USGS INVOLVEMENT**

The People from Hinkley, California, per Signatures Pages, previously transmitted to the Water Board, does not see of how John Izbicki from USGS will address the issue, now at-issue in controversy, of poisoned aquifers beneath the town of Hinkley, CA 92347 with ARSENIC AND URANIUM.

(There were several conversation between Izbicki and Panchev and The People has just delivered 35 containers containing samples of poisoned aquifers at 35 locations throughout the town of Hinkley, CA, to: US EPA Criminal Investigation Division (CID) Los Angeles Resident Office 600 Wilshire Blvd., Suite 900 Los Angeles, CA 90017 Tel 213-244-1900.

### **IN REGARDS TO OTHER PERSONS AND PRIVATE ENTITIES INVOLVEMENT**

The People from Hinkley, California, per Signatures Pages, previously transmitted to the Water Board, does not see of how the following persons / entities will protect and serve the People of this State and Country, including but not limited to participating in the decision making process, thus acting out of authorization from The People:

Dr. Raudel Sanchez, Project Navigator, LLC ([rsanchez@projectnavigator.com](mailto:rsanchez@projectnavigator.com))

Dr. Raudel Sanchez, Project Navigator, LLC ([rsanchez@projectnavigator.com](mailto:rsanchez@projectnavigator.com))

Dr. Ian Webster, Project Navigator, LLC ([iwebster@projectnavigator.com](mailto:iwebster@projectnavigator.com))

Kevin Sullivan, PG&E ([KMSu@pge.com](mailto:KMSu@pge.com))

THEREFORE, since The People rejects prejudicial assistance, those persons and private entities will be excluded from the cc. email list and from the cc. mailing list. (If an Ex-Parte, it should be emphasized ).

(If the Water Board had anything else in mind, including but not limited to impose insertion of those persons / entities for any other purposes, it should elaborate to the People of this State and Country).

Resulted response, based upon received letter from the Water Board, per Attachment: Board\_letter.

## ATTACHMENT "B"

### IN REGARDS TO DEVELOPING EMAIL AND MAILING LIST OF GOVERNMENTAL AGENCIES INVOLVED IN THE TASKS OF ARSENIC AND URANIUM DISCOVERY IN THE AQUIFERS, CAUSATION BY PG&E, IN THE TOWN OF HINKLEY, CA 92347

The People from Hinkley, California, per Signatures Pages, previously transmitted to the Water Board, does not see the need to involve the following officials, on the ground that not only duplication will occur, but said officials could not have the authorities, in furtherance of justice, to cast decisions, thus acting out of jurisdiction:

**Corwin Porter**, San Bernardino Cty Dept of Public Health, Div. of Env. Health Svcs

[corwin.porter@dph.sbcounty.gov](mailto:corwin.porter@dph.sbcounty.gov)

In the contrary event, The People should be informed, in regards to in what capacities said official will be acting, in the task of Arsenic and Uranium discovery in the aquifers, causation by PG&E, in the town of Hinkley, CA 92347.

**Sean McCarthy**, SWRCB Department of Drinking Water [Sean.McCarthy@cdph.ca.gov](mailto:Sean.McCarthy@cdph.ca.gov)

In the contrary event, The People should be informed, in regards to in what capacities said official will be acting, in the task of Arsenic and Uranium discovery in the aquifers, causation by PG&E, in the town of Hinkley, CA 92347.

**George Alexeeff**, Director, Cal/EPA Office of Env. Health Hazard Assessment

[George.Alexeeff@oehha.ca.gov](mailto:George.Alexeeff@oehha.ca.gov)

In the contrary event, The People should be informed, in regards to in what capacities said official will be acting, in the task of Arsenic and Uranium discovery in the aquifers, causation by PG&E, in the town of Hinkley, CA 92347.

**Gita Kapahi**, SWRCB, Office of Public Participation [Gita.kapahi@waterboards.ca.gov](mailto:Gita.kapahi@waterboards.ca.gov)

In the contrary event, The People should be informed, in regards to in what capacities said official will be acting, in the task of Arsenic and Uranium discovery in the aquifers, causation by PG&E, in the town of Hinkley, CA 92347.

**Diane Trujillo**, Enforcement, CAL/EPA [Diane.trujillo@calepa.ca.gov](mailto:Diane.trujillo@calepa.ca.gov)

In the contrary event, The People should be informed, in regards to in what capacities said official will be acting, in the task of Arsenic and Uranium discovery in the aquifers, causation by PG&E, in the town of Hinkley, CA 92347.

**Arsenio Mataka**, Enforcement, CAL/EPA [Arsenio.Mataka@calepa.ca.gov](mailto:Arsenio.Mataka@calepa.ca.gov)

In the contrary event, The People should be informed, in regards to in what capacities said official will be acting, in the task of Arsenic and Uranium discovery in the aquifers, causation by PG&E, in the town of Hinkley, CA 92347.

**Jay Cass**, Lahontan Water Board, Victorville office [jehiel.cass@waterboards.ca.gov](mailto:jehiel.cass@waterboards.ca.gov)

In the contrary event, The People should be informed, in regards to in what capacities said official will be acting, in the task of Arsenic and Uranium discovery in the aquifers, causation by PG&E, in the town of Hinkley, CA 92347.

Furthermore, it could be ruled inappropriate for those officials to testify as an expert witness, or in any other capacities, before any United States District Court, in states other than the State of California. (Many of those People, per Signatures Pages, have, or are about to have their domicile in another state. (Complete Diversity Jurisdiction, and Federal Question-Violation of SDWA", triggers new venue.)

## **ATTACHMENT "C"**

### **IN REGARDS TO DEVELOPING EMAIL AND MAILING LIST OF GOVERNMENTAL AGENCIES INVOLVED IN THE TASKS OF ARSENIC AND URANIUM DISCOVERY IN THE AQUIFERS, CAUSATION BY PG&E, IN THE TOWN OF HINKLEY, CA 92347**

The People from Hinkley, California, per Signatures Pages, previously transmitted to the Water Board, does not see the need to involve attorneys for the Water Board and other Boards within Cal/EPA, in light of that The People from Hinkley, has no intention to litigate those Boards, whatsoever.

To crush any attempt by the People of this state and country to discover the truth, that is to say the attempt by the People to discover the poisoning of the aquifers beneath the town of Hinkley, CA 92347 with ARSENIC AND URANIUM, and who caused such poisoning, is not what The People of this state and country expects, despite the delegated authorities by The People to those constituents.

The People are seeking the truth, with assistance from governmental agencies responsible to assist the People of this State and Country to find the truth, that is to say, to discover the poisoning of aquifers beneath the town of Hinkley, CA 92347 with ARSENIC AND URANIUM and the causation thereof.

Here, the issue remains, and it will remain indefinitely unresolved, of poisoned aquifers beneath the town of Hinkley, CA 92347, not just some domestic wells poisoned with ARSENIC AND URANIUM.

Until that issue is resolved, that is to say, the Water Board announce that the drinking water in the aquifers beneath many locations in the town of Hinkley, CA 92347 is "NOT SAFE TO DRINK, DUE TO BEING POISONED WITH ARSENIC AND URANIUM", The People from Hinkley will not surrender, despite of being faced by many governmental attorneys. C.C.P. Section 425.16 - Civil Code Section 47 - C.C.P. Section 425.17

THEREFORE, since there is no threat of litigation against the Water Board, and since there will be no litigation in any State of California Superior Courts, not only against the Water Board, but against PG&E (not in any Courts within the State of California), (there is high probability that PG&E will be litigated in many US District Courts, in many States in the U.S. other than the in the state of California), there is no need to involve the following attorneys, unless the Water Board has any other issues in mind, and the People of this State and Country should be made aware of:

Kim Niemeyer, SWRCB, Office of Chief Counsel ([kim.niemeyer@waterboards.ca.gov](mailto:kim.niemeyer@waterboards.ca.gov))  
Lori Okun, SWRCB, Office of Chief Counsel ([Lori.Okun@waterboards.ca.gov](mailto:Lori.Okun@waterboards.ca.gov))  
Michael Lauffer, SWRCB, Office of Chief Counsel ([michael.lauffer@waterboards.ca.gov](mailto:michael.lauffer@waterboards.ca.gov))  
Steve Koyasako, Assistant Chief Counsel, California DTSC ([steve.koyasako@dtsc.ca.gov](mailto:steve.koyasako@dtsc.ca.gov))

THEREFORE, The People from Hinkley has developed the following inclusionary email lists and mailing list, inclusive but not limited to cc. email list and cc. mailing list, in light of further communications, aimed to discover the truth, the fact of poisoned aquifers beneath the town of Hinkley, CA 92347 with Arsenic and Uranium, and who caused such poisoning, and the list, segregates the responsible governmental agencies to investigate, from those responsible to enforce, and to those constituents that should be aware of what is transpiring in regards to these issues, marked as Master Mailing List, and attached hereto.